

HUMAN SERVICES DEPARTMENT[441]

Adopted and Filed

Pursuant to the authority of Iowa Code section 249A.4, the Department of Human Services amends Chapter 78, “Amount, Duration and Scope of Medical and Remedial Services,” Iowa Administrative Code.

The amendment to subrule 78.50(1) affects Medicaid coverage for medical services provided by local education agencies (schools). Previous federal guidance provided a complex set of principles for transportation reimbursement that were interpreted to allow schools to claim all costs of transporting students who are served under the Individuals with Disabilities Education Act. Federal regulations have been adopted to eliminate coverage of transportation from home to school and back. However, Congress approved a moratorium on those regulations that delays the effective date until April 1, 2009.

No state Medicaid funding is allocated for local education agency expenses. The local education agency bills Medicaid for covered services and returns the nonfederal share of the Medicaid payment back to the state Medicaid program. This amendment specifies that Iowa Medicaid will not cover any local education agency expenses for a child’s transportation from home to school and back if federal funding becomes unavailable due to federal regulation.

Whether or not the moratorium is extended, Medicaid will continue to reimburse for transportation of eligible children from school or home to a non-school-based direct medical service provider that bills under the Medicaid program and from a non-school-based provider to the child’s home or school.

The other amendments make technical corrections to update the names of the licensing boards for dentists and optometrists.

Notice of Intended Action on these amendments was published in the Iowa Administrative Bulletin on August 13, 2008, as **ARC 7058B**. The Department received no comments on the Notice of Intended Action. These amendments are identical to those published under Notice of Intended Action.

These amendments do not provide for waivers in specified situations because the federal regulations do not allow for waivers in claiming Medicaid federal matching funds, and the Department has no state funds available to cover these expenses.

The Council on Human Services adopted these amendments on October 8, 2008.

These amendments are intended to implement Iowa Code section 249A.4.

These amendments shall become effective on January 1, 2009.

EDITOR’S NOTE: Pursuant to recommendation of the Administrative Rules Review Committee published in the Iowa Administrative Bulletin, September 10, 1986, the text of these amendments [78.6(6), 78.25(2)“e,” 78.50(1)] is being omitted. These amendments are identical to those published under Notice as **ARC 7058B**, IAB 8/13/08.

[Filed 10/14/08, effective 1/1/09]

[Published 11/5/08]

[For replacement pages for IAC, see IAC Supplement 11/5/08.]